

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ARTEMIO JIMENEZ-REJON,

Defendant.

8:16CR153

ORDER

This matter is before the Court on defendant Artemio Jimenez-Rejon's ("Jimenez-Rejon") motion to reduce his sentence (Filing No. 189). Jimenez-Rejon asks the Court to "vacate, set aside or correct" his sentence under the "FIRST STEP ACT, FAIR SENTENCING ACT AND INTERVENING CASE LAW . . . RETROACTIVELY APPLICABLE TO THE PRESENT CASE." In a supplemental filing (Filing No. 191), Jimenez-Rejon clarifies he is seeking a sentence reduction under the First Step Act of 2018 ("First Step Act"), Pub. L. No. 115-391, 132 Stat. 5194 (2018), and not pursuant to 28 U.S.C. § 2255. This is Jimenez-Rejon's second motion requesting sentencing relief under the First Step Act.¹

In his two-paragraph motion, Jimenez-Rejon broadly refers to "numerous case law and exhibits attached to the previous motions" and adds: "[T]he petitioner has a non-violent crime and also has no priors and is a prime candidate for consideration of the aforementioned Acts and intervening case law." In his short supplemental filing, Jimenez-Rejon also notes this is his "first time ever being in a jail setting or having a federal conviction of any kind whatsoever[.]"

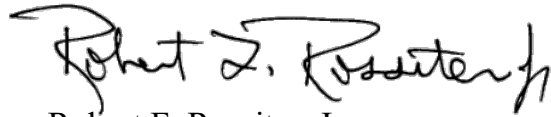
¹The Court denied the first motion (Filing No. 182), and the Eighth Circuit summarily affirmed the denial on appeal (Filing No. 190).

The Court denies Jimenez-Rejon's motion for the reasons set forth in the Court's April 26, 2022, Memorandum and Order (Filing No. 182). Jimenez-Rejon generally rehashes the same arguments in this motion, and the Court again finds "no provision of the First Step Act applies to [him]."

IT IS SO ORDERED.

Dated this 8th day of December 2022.

BY THE COURT:

A handwritten signature in black ink, reading "Robert F. Rossiter, Jr." with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge